

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
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U.S. DISTRICT COURT
FILED
JUN 17 2005
W.P.
S.D. OF N.Y.

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JUN 16 2005
CHAMBERS OF
COLLEEN McMAHON

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MEMO ENDORSED

June 15, 2005

VIA FACSIMILE ONLY

(914) 390-4152

Hon. Judge Colleen McMahon
United States District Courthouse
300 Quarropas Street

White Plains, New York 10601-4150

Re: Shaw Family Archives, Ltd., Edith Marcus and Meta
Stevens v. CMG Worldwide, Inc. and Marilyn Monroe, LLC
Docket No: 05 cv. 3939

Dear Judge McMahon:

As you are aware, I represent plaintiffs in the above-entitled action. Please be advised that the parties to the action have agreed to meet on Tuesday, June 21, 2005, to try to arrive upon a settlement. Plaintiffs' opposition to the pending motion to dismiss is currently due to be served on or before Monday, June 20, 2005. In light of the fact that we will be meeting with defendants and defendants' counsel to try to settle the action the day after our opposition is due, we are hereby requesting a one (1) week adjournment of the opposition's due date. This adjournment will prevent the parties from wasting time and expenses by drafting motion papers that may soon be made unnecessary because of a settlement. Accordingly, we are hereby requesting that the due date of our response to defendants' motion to dismiss be adjourned to Monday, June 27, 2005. Defendants' counsel have consented to our request for an adjournment to June 27, 2005. This is plaintiffs' first request for an adjournment since defendants withdrew their original motion to dismiss and served a new motion to dismiss that responded to plaintiffs' Amended Complaint. It should be noted, however, that I did request that defendants' counsel request clarification of our opposition's due date in a letter they recently mailed to your attention.

Please be further advised that defendants' counsel have informed the undersigned that because of possible scheduling conflicts, it may be difficult for them to serve their reply papers within five (5) business days after their receipt of plaintiffs' opposition, as is required by your practice rules. If the possible scheduling conflicts occur, and if a settlement is not agreed upon, I will consent to a reasonable extension of defendants' time to serve their reply.

Copies mailed / handed / faxed to counsel 6/17/05

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JUN 17 2005

USDC SD NY WP

6/17/05
One week's
extension
granted to
call side -
no more
Call Mark